

REMARKS

This preliminary amendment is being submitted promptly following applicant's response to an election of species requirement imposed in the Office Action of December 1, 2004. That Office Action imposed a requirement for election of species between the allegedly distinct species disclosed in the application as follows:

Species I: Figs. 1 and 5

Species II: Figs. 6-8.

Applicants elected Species I (corresponding to Figs. 1 and 5) without traverse and noted that claims 1-3, 8-10 and 15 are within the elected species. In that Office Action the examiner asserted that no generic claim was present.

By this preliminary amendment, new claims 17-22 are added. New claims 17 and 18 are generic to both Species I and II. New claim 19 is within the elected species, Species I (Figs. 1 and 5). New claims 20-22 are within the non-elected species, Species II (Figs. 6-8).

In accordance with MPEP 809.02(c) should any of the generic claims be found to be allowable, it is respectfully requested that the claims drawn to the non-elected species then be considered by the Examiner.

In view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are respectfully solicited.

This Amendment increases the number of independent claims by 1 from 6 to 7 and increases the total number of claims by 6 from 16 to 22 (20 claims previously paid for), but does not present any multiple dependency claims. Accordingly, a Response Transmittal and Fee Authorization form authorizing the amount of \$300.00 to be charged

Application No. 09/377,667
Preliminary Amendment dated January 13, 2005


to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260 is enclosed herewith in duplicate. However, if the Response Transmittal and Fee Authorization form is missing, insufficient, or otherwise inadequate, or if a fee, other than the issue fee, is required during the pendency of this application, please charge such fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

By: _____


Thomas N. Tarnay
Registration No. 41,341
Attorney for Applicant

TNT/llb:jjk
SIDLEY AUSTIN BROWN & WOOD LLP
717 N. Harwood, Suite 3400
Dallas, Texas 75201
Direct: (214) 981-3388
Main: (214) 981-3300
Facsimile: (214) 981-3400
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